IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 856 OF 2006

Mayur Surinder Wallia ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. Niranjan Mundargi for the applicant.
Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 1st March, 2006

P.C:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for anticipatory bail. The applicant has an apprehension that he is likely to be arrested in connection with C.R. No. 196 of 2005 registered at Azad Maidan Police Station for the offence punishable under section 419, 420 of the Indian Penal Code. A complaint was filed by one Dilip Mehta in which he had alleged that certain cheques which were issued in the name of his Firm were deposited in the fake account which was opened in the name of the complainant's Firm and those cheques were misappropriated. After the matter was investigated, it transpired that the applicant was working in the

Company which had issued the cheques and he, alongwith other two accused, misappropriated the said amounts by opening fake accounts in different Banks. The learned APP for the State has also shown me the documents which have been fabricated in this case for the purpose of opening the fake accounts. Prima facie, the applicant has played a pivotal role in perpetuating the fraud.

3. Considering the nature of the offence, in my view, this is not a fit case for grant of an anticipatory bail. The application for anticipatory bail is, therefore, rejected.

4. It is made clear that the trial Court will not be influenced by any observation made by this Court while rejecting the application and the same may not be construed as an expression of opinion on merits.

5. At this stage, the learned Counsel for the applicant seeks liberty to surrender before the appropriate Court. It is not necessary to take liberty of this Court to surrender. It is open for the applicant to surrender if he wants to. However, the applicant may surrender by Friday i.e. 3/3/2006.

V.M. KANADE, J.